

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-22 were pending in this application. In the Office Action mailed August 9, 2006, claims 1-22 were rejected.

- Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,275,518 to Takahashi et al. ("Takahashi").
- Claims 2, 4, and 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of U.S. Patent No. 5,809,059 to Souissi et al. ("Souissi").
- Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of U.S. Patent Application No. 2002/0071402 to Kockmann et al. ("Kockmann").
- Claims 5 and 9-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Souissi as applied to claims 1, 2, 6, 9 and 10 above, and further in view of U.S. Patent Application No. 2004/0132500 to Rogalski et al. ("Rogalski").
- Claims 13-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Rogalski.

In this Amendment, claims 2-3 and 7 have been amended. Accordingly, upon entry of this Amendment, claims 1-22 will be pending.

Rejection of claim 1 under 35 U.S.C. § 102(b)

The rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Takahashi should be withdrawn because Takahashi fails to disclose at least one feature recited in claim 1. Claim 1 of this application recites a method for avoiding interference during operation of a first RF device employing a first frequency hopping spread spectrum protocol, in conjunction with the operation of at least *one other RF device employing a different communications protocol*. One example of the recited invention is described in paragraph [0051] and disclosed further in Figure 14 of this application. As clearly illustrated in Figure 14, the exemplary method results in a mutual arrangement of Bluetooth (BT), WDCT, and 802.11 communications channels, such that the BT, WDCT, and 802.11 avoid frequency overlap and therefore avoid mutual interference. As one of ordinary skill in the art would readily appreciate, the BT or WDCT each represent a first frequency hopping spread spectrum protocol, as recited in claim 1. Each of the other communications protocols (WDCT and 802.11 in the case of a BT protocol) represent a *different* communications protocol as compared to the first communications protocol. Takahashi, in contrast, is directed to a method for frequency hopping control between different cells within a *single* radio LAN: “A radio LAN system based on a frequency hopping control scheme in which a deviation between frequency hopping timing in a cell and frequency hopping timing in another cell is measured” (Takahashi, Abstract).

As further disclosed in Takahashi, Figure 4, the LAN system involves a base station A and a base station B that are in communication with a series of radio terminals 5-8.

“Particularly, in a system employing the frequency hopping as a communication scheme, the

base stations A, B must operate in synchronism with each other such that they will not concurrently use the same hopping frequencies at which they communicate with associated radio terminals in the respective cells” (Takahashi, column 7, lines 29-32). With respect to the LAN system disclosed in Figure 4 of Takahashi, it is noted that “a base station A designated by 1 and a base station B designated by 2 communicate a synchronization frame 31 to each other” (Takahashi, column 8, lines 43-45). Nowhere does Takashi disclose or suggest that the base station A and base station B are operating with different communications protocols. In fact, radio terminals 5-8 are disclosed as operating in conjunction with base stations A and B as they move between the cells covered by stations A and B. Clearly, one of ordinary skill in the art would readily appreciate that, in order for radio terminals 5-8 to remain in communication with either base station A or B, they would operate with a *single* communications protocol as they moved between cells.

Thus, Takahashi fails to teach a method for avoiding interference during operation of a first RF device employing a first frequency hopping spread spectrum protocol, in conjunction with the operation of at least *one other RF device employing a different communications protocol*, as recited in claim 1. Accordingly, Applicants respectfully submit that Takashi does not anticipate claim 1, and request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Rejection of claims 2, 4 and 6-8 under 35 U.S.C. § 103(a)

The rejection of claims 2, 4 and 6-8 was predicated upon the rejection of base claim 1. Because claims 2, 4 and 6-8 include, by virtue of their dependence, all the limitations of claim 1, at least for the reasons set forth above, claims 2, 4 and 6-8 patentably distinguish over Takahashi.

In addition, Souissi fails to cure the deficiency in the teachings of Takahashi with respect to claims 2, 4 and 6-8. Accordingly, because Takahashi in view of Souissi fails to teach or suggest the complete combination of elements recited in claims 2, 4 and 6-8, Applicants respectfully request that the rejection of claims 2, 4, and 6-8 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of claim 3 under 35 U.S.C. § 103(a)

The rejection of claim 3 was predicated upon the rejection of base claim 1. Because claim 3 includes, by virtue of its dependence, all the limitations of claim 1, at least for the reasons set forth above with respect to claim 1, claim 3 patentably distinguishes over Takahashi. In addition, Kockmann fails to cure the deficiency in the teachings of Takahashi with respect to claim 1. Accordingly, because Takahashi in view of Kockmann fails to teach or suggest the complete combination of elements recited in claim 3, Applicants respectfully request that the rejection of claim 3 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of claims 5 and 9-12 under 35 U.S.C. § 103(a)

The rejection of claims 5 and 9-12 was predicated upon the rejection of base claim 1 and intervening claim 2. Because claims 5 and 9-12 include, by virtue of their dependence, all the limitations of claim 1 and intervening claim 2, at least for the reasons set forth above with respect to claim 2, claims 5 and 9-12 patentably distinguish over Takahashi in view of Souissi. In addition, Rogalski fails to cure the deficiency in the teachings of Takahashi and Souissi with respect to claims 2 and 4. Additionally, Rogalski, which was filed on July 17, 2003, would only qualify as prior art under 35 U.S.C. § 102(e), based on the filing date of February 24, 2004 for the present application. Moreover, the present Application and U.S. Patent Application No. 2004/0132500 (Rogalski) were, at the time of the invention of this Application, commonly

owned by Vtech Telecommunications, Ltd. Thus, because Rogalski qualifies as prior art only under 35 U.S.C. § 102(e), Applicants respectfully submit that the use of Rogalski as a basis to reject claims 5 and 9-12 under 35 U.S.C. § 103(a) is not proper.

Accordingly, because it would not be proper to use Rogalski as a basis to support rejection of claims 5 and 9-12 under 35 U.S.C. § 103(a), and because, even if Rogalski were available as a reference, the combination of Takahashi in view of Souissi, further in view of Rogalski still fails to teach or suggest the complete combination of elements recited in claims 5 and 9-12, Applicants respectfully request that the rejection of claims 5 and 9-12 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of claims 13-22 under 35 U.S.C. § 103(a)

As noted above, the present Application and U.S. Patent Application No. 2004/0132500 (Rogalski) were, at the time of the invention of this Application, commonly owned by Vtech Telecommunications, Ltd.

Additionally, Rogalski, which was filed on July 17, 2003 would only qualify as prior art under 35 U.S.C. § 102(e), based on the filing date of February 24, 2004 for the present application. Accordingly, because Rogalski qualifies as prior art only under 35 U.S.C. § 102(e), Applicants respectfully submit that the use of Rogalski as a basis to reject claims 13-22 under 35 U.S.C. § 103(a) is not proper. Thus, because, as acknowledged by the Examiner, Takahashi fails to disclose several elements recited in claim 13, Takahashi taken alone clearly fails to render claim 13 obvious. Therefore, Applicants request that the rejection of claim 13, and all the dependent claims 14-22, under 35 U.S.C. § 103(a), be withdrawn.

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Amendment to claims 2-3 and 7


Claims 2-3 have been amended to correct matters of form, and claim 7 has been amended to correct a grammatical error.

In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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Attachments: None.

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